

Article - Education

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§9.5–405.

(a) Except as otherwise provided in this subtitle, a person shall be licensed by the Department before the person may operate a child care center in this State.

(b) This section does not apply to:

(1) The instructional program, curriculum, or teacher, principal, or administrator qualifications of a nursery school or a child care center that is operated by a religious organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code in a school building exclusively for children who are enrolled in that school;

(2) A nonpublic nursery school operated by a tax-exempt religious organization that has been issued a certificate of approval by the Department;

(3) A nonpublic nursery school operated by a tax-exempt religious organization that:

(i) Complies with the regulations adopted under this subtitle;

and

(ii) Has been issued a letter of compliance by the Department;

or

(4) A program that is operated by a tax-exempt religious organization while the organization is conducting a religious service, business meeting, or other religious organization function in the organization's building and which program is exclusively for children where parents are attending the service or meeting.

(c) Notwithstanding any other provision of law, if a child care center for school age children is operated before and after school hours in a building which is in use as a public or private school, the school age child care center:

(1) Shall meet local fire, health, and zoning codes required of school buildings; and

(2) May not be required to meet any additional regulations relative to the physical plant beyond those imposed by the county or the local board of education with respect to that building.

(d) Notwithstanding the exemption under subsection (b)(4) of this section, a program that is operated by a tax-exempt religious organization while the organization is conducting a religious service, business meeting, or other religious organization function in the organization's building and which program is exclusively for children where parents are attending the service or meeting shall:

(1) Comply with all applicable State and local fire, building, and zoning laws; and

(2) Prior to the utilization of the program's facility, be inspected by the State Fire Marshal, or local fire authority having jurisdiction, to ensure that the facility is in compliance with all applicable fire safety regulations.

(e) (1) A person may not advertise a child care center unless the person is licensed to operate a child care center under the provisions of this subtitle.

(2) An advertisement for a child care center shall state:

(i) That the child care center is licensed by the Department;
and

(ii) Except as provided in paragraph (3) of this subsection, the license number issued to the child care center by the Department.

(3) An advertisement for multiple child care centers operated by a single licensee shall state the license number of at least one of the child care centers that the licensee operates.

(4) An employee of the Department charged with the investigation and enforcement of child care regulations, the State Fire Marshal, a deputy State fire marshal, a special assistant State fire marshal, or a local fire marshal may visit the child care center, and the employee of the Department may issue a civil citation without any other evidence of unlicensed child care if:

(i) A person advertises a child care center that is not licensed under the provisions of this subtitle;

(ii) The Department sends a warning letter to the person; and

(iii) The person:

1. Does not respond to the Department within 10 business days after the Department sends the warning letter; or

2. Responds to the Department in a manner that does not adequately address the charge in the warning letter.

(5) The State Fire Marshal, a deputy State fire marshal, a special assistant State fire marshal, or a local fire marshal who visits a child care center under paragraph (4) of this subsection may take any action authorized under § 6–316 of the Public Safety Article, the State Fire Prevention Code, or a local fire prevention code.

(f) An employee of the Department charged with the investigation and enforcement of child care regulations may serve a civil citation to a person found in violation of this section.

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